IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.3044 of 2006**

DATE OF DECISION: February 12, 2007

SMT. MAMTA WADHWAN ...PETITIONER

VERSUS

THE STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE R.S. MADAN.

PRESENT: MR. J.S. CHAHAL, ADVOCATE FOR THE PETITIONER.

MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. DEEPAK JINDAL, AAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has prayed that directions be issued to the respondents to release and pay to the petitioner the entire medical bills in respect of her late husband Arun Wadhwan who was working as a Sub Divisional Officer in the Irrigation Department. Arun Wadhwan, who was a gazetted officer in Irrigation Department of Government of Haryana was suffering from kidney failure. He got his treatment from various Government hospitals but ultimately as he could not be treated properly, therefore, he wanted himself to be treated at Apollo Hospital, New Delhi.

The Governor of Haryana vide order Annexure P-2 dated 10.3.2000, accorded sanction for the kidney transplant of the petitioner from Apollo Hospital, as is clear from a perusal of Annexure P-2. An amount of Rs.75,000/- as advance, being 75% of the total estimated expenditure of

Rs.1 lac was also directed to be released to the husband of the petitioner which was accordingly released. The husband of the petitioner underwent Kidney transplant and thereafter submitted the medical bills to the State of Haryana.

Counsel for the petitioner contends that once sanction for the treatment has been accorded to the petitioner by the Governor of Haryana then the petitioner has to be reimbursed the entire amount of medical bills submitted by her. Learned counsel contends that a total bill of Rs.25,40,551/- was submitted by the petitioner out of which a sum of Rs.14,84,258/- has only been reimbursed as per AIIMS rates and the balance amount is still to be reimbursed to the petitioner.

Counsel for the petitioner has relied on a judgement in *Surjit Singh* vs. *State of Punjab and others* reported as (1996) 2 Supreme Court 336 wherein the petitioner had gone to a foreign country for medical treatment and the Hon'ble Apex Court directed that full reimbursement be made to the petitioner. On the basis of *Surjit Singh's case* (supra) learned counsel contends that in the present case the husband of the petitioner was given sanction to be treated for kidney transplant at Apollo Hospital and hence whatever expenditure was incurred by the petitioner or her husband, the same is liable to be reimbursed.

Mr. Anmol Rattan Sidhu, Addl.A.G., Haryana submits that the petitioner was accorded sanction by the Governor only to the extent of Rs.1 lac for his kidney transplant as interim measure. He further submits that as a sum of Rs.15 lacs has already been reimbursed to the petitioner, therefore, the petitioner is not entitled to any further reimbursement.

We have heard learned counsel for the parties at length. A

perusal of the aforementioned facts clearly shows that the Governor of Haryana had accorded sanction to the petitioner to get transplant his kidney from Apollo Hospital. Once the petitioner had been accorded sanction for transplant of the kidney of her husband then the State Government was bound to reimburse the entire medical claim of the petitioner for the period he remained under treatment. The case of the petitioner is also squarely covered by the decision rendered in *Surjit Singh's case* (supra).

In view of the above, we allow the writ petition and direct the respondent-State to reimburse the entire balance amount of medical bills submitted by the petitioner. The reimbursement be made within a period of four months from the date of receipt of certified copy of this order.

(ASHUTOSH MOHUNTA)
JUDGE

February 12, 2007
Gulati

(R.S. MADAN)
JUDGE